

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Emery School District
Accountability Review - Focus Monitoring Report 2008-2009**

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Dates of On Site Visit: November 4, 2008

Date of Report: December 19, 2008

3 month update due: March 19, 2009

Date Received:

6 month update due: June 19, 2009

Date Received:

9 month update due: September 19, 2009

Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act;
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

State Performance Plan - Indicator 5: Percent of children with IEPs aged 6-21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

Finding: On-site November 4, 2008

ARSD 24:05:28:01. Least restrictive program to be provided. Children in need of special education or special education and related services, to the maximum extent appropriate, shall be educated with children who are not disabled and shall be provided special programs and services to meet their individual needs which are coordinated with the regular educational program. Special classes, separate schooling, or other removal of children with disabilities from the regular educational classroom may occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

ARSD 24:05:28:02. Continuum of alternative placements. Alternative placements which must be made available include the following:

- (1) Regular educational programs with modification;
- (2) Resource rooms;
- (3) Self-contained programs;
- (4) Separate day school programs;
- (5) Residential school programs;
- (6) Home and hospital programs; and
- (7) Other settings.

For each of the programs listed in this section, the IEP team shall determine the extent to which related services are required in order for the child to benefit from the program. The length of the school day must be equal in duration to that of a regular public school day unless an adjusted school day is required to meet the individual needs

of the child. The IEP team shall provide for supplementary services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement, as applicable.

In those cases where placement is made in a separate day school program or residential school program, the district may abide by the school term of the facility in which the child is placed based on the individual needs of the child.

ARSD 24:05:28:03. Factors in determining placements. Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

(1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;

(2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;

(3) Unless a child's plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;

(4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and

(5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

Through interview and a review of student records, the monitoring team concluded the Emery school district has 16 students classified as having a specific learning disability. Fourteen of those students are seen in resource room placement. Eighty percent of the district's students are seen in the resource room. The state average is 24%. Students seen in the general classroom placement is 20% and the state average is 66%. Students who qualify for written expression are being seen in the resource room for reading, math and written Language 50 minutes a day in each area. These students did not qualify for math or reading and are being pulled out of the regular education setting. Students are consistently being seen for subject areas they did not qualify for, and scores from evaluations did not support a need. There is an over identification of placement in the resource room for students in the Emery school district.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review and amend current policy and procedures and have state training in how to assess	Training by Jan.15, 2009	State Special Education	

placement for students on the continuum of placement. Each student will be placed on the continuum for their individual need. Data Collection: The district will review all IEPs written during the progress reporting period and report to SEP the total number of IEPs reviewed and their placement on the continuum.	May 2009	Director and Staff	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

2. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

State Performance Plan - Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills;
- B. Acquisition and use of knowledge and skills; and
- C. Use of appropriate behaviors to meet their needs.

Finding: On-site November 4, 2008

The speech teacher was provided technical assistance the day of the on-site review. In addition, documents were provided to reference when entering a program note for the BDI. A hard copy of all students was sent to SEP for every student. The list the school received had 16 students that were not on their child count and they were not familiar with.

Corrective Action: None

1. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of January 12, 2004

ARSD 24:05:25:02 Determination of needed evaluation data

As part of an initial or reevaluation, the individual education program team and other individuals with knowledge and skills necessary to interpret evaluation data, determine what evaluation data is needed to support eligibility and the child's special education needs.

In all student files reviewed, with the exception of speech/language and early childhood, the monitoring team found that students were given a Behavior Assessment for Children (BASC). Interviews with special education teachers indicated that the Cornbelt Cooperative has told them that behavior assessment must be completed on all students suspected of a disability in which a psychological evaluation is requested. The behavior assessment is completed as a precautionary step in the event of long-term suspension of the student. Based on this information, the monitoring team concluded that the district does not consider the child's individual needs when making the determination of needed evaluation data.

ARSD 24:05:25:04 Evaluation procedures

The district is required to ensure that a variety of assessment tools and strategies are used to gather relevant functional and development information about the child. In three of four student

files reviewed where articulation was a concern, the monitoring team found that the evaluation did not include functional skill information. An example: An evaluation, completed May 2003, for a child who was 42 months old included the Preschool Language Scale, Battelle Developmental Inventory, Goldman Articulation Test and a functional developmental checklist. The concern is the checklist did not include functional assessment for articulation skills, which was the concern area and the area in which eligibility was determined. In an interview with the monitoring team the speech therapist indicated the Cornbelt Cooperative instructed her to completed functional assessment when needed for articulation this past fall. However, as of this time, she had not had the opportunity to complete an articulation evaluation for the district.

Follow-up: November 4, 2008

Finding: Behavior assessments are no longer being given to all students, only students with a need. Functional information is being seen in all speech files.

Corrective Action: None

2. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of January 12, 2004

ARSD 24:05:27:01.03 Content of individualized education program.

Annual goals and short-term objectives

Description and location of special education and related services to be provided and Justification for placement

Annual goals need to be measurable/skill based and reasonably attainable in one year. In three files reviewed at the elementary level, the annual goals were not written in a manner that would be measurable/skill based on their own. The following is an example; "After 36 weeks of instruction in mathematics, ____ will write/state answers to questions on daily assignments with an average of 80% accuracy for 6/8 weeks." The annual goal needs to state what math skill(s) will be attain in one year.

Short-term objectives or annual goals need to have conditions, performance and criteria listed. The short-term objective must be linked to the annual goals. Objectives should be in a student-centered manner and be skill based. Short-term objectives or benchmarks are derived from the annual goal but represent smaller, sequential, manageable learning tasks, which a student may master on the way to achieving the annual goal. The following example written for a math goal was taken from a file reviewed by the monitoring team; "When given a daily assignment, ____ will record it in her assignment notebook and write answers to complete the assignment with 80% accuracy in 7/8 consecutive assignments." At the elementary level, short-term objectives were not consistently derived from the annual goal and/or skill based.

A student's IEP must include the projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications. Children in need of special education or special education and related services must be provided special programs and services to meet individual needs which are coordinated with the regular education program whenever appropriate. Removal from the regular educational classroom may occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In four speech files and one elementary files reviewed by the monitoring team, IEPs did not indicate the specific location of services. For example: "sessions in the therapy room or classroom". In the speech files it also showed that the placement committee did not provide a

written description of why removal from the regular educational classroom is necessary. Placement statements provided on the IEP were written in a rejected and/or accepted format. These statements however, did not justify why the nature or severity of the child's needs was such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The IEP should reflect the options considered and the reasons why those options were rejected for each placement alternative considered for the student. For example: General Classroom with modification: accepted ___ will remain in the classroom with his/her peers for all academic areas. Speech services will take place in the therapy room to ensure continued correct tongue placement and production of the sounds in errors. Service may take place in the classroom to help ___ generalize his/her skills to situation outside of the therapy room.

Follow-up: November 4, 2008

Findings: All goals had condition, performance and criteria.

Corrective Action: None

3. GENERAL SUPERVISION

Present levels:

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Finding: On-site November 4, 2008

- Through a review of 11 student files, data gathered by the review team indicated accommodations/modifications did not consistently relate to the skill areas affected by the disability.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments. 5. Analyze data collected to determine if procedures corrected discrepancy. Repeat steps 1 through 5 if	April 15, 2009	Special Education Director and Staff & Testing Coordinator	

discrepancies continue.

Data Collection:

The district will collect and submit to SEP the following data:

1. Written description of the districts review process to identify why the discrepancies are occurring.
2. Written description of the process the district will implement to correct the discrepancies.
3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the name of all participants/position titles, who attended the training.